

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:14-00034

DAVID BURGESS

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On July 1, 2020, the United States of America appeared by Negar M. Kordestani, Assistant United States Attorney, and the defendant, David Burgess, appeared in person and by his counsel, David R. Bungard, Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by United States Probation Officer M. Dylan Shaffer. The defendant commenced a twenty-seven (27) month term of supervised release in this action on December 27, 2017, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on May 12, 2017.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant failed to participate in a six-month term at a community confinement center in that he began his term at Dismas Charities on December 28, 2017, leaving the facility that same day and not returning; and (2) the defendant committed the state offenses of Prohibited Person in Possession of a Firearm and Possession of Stolen Vehicle on January 1, 2018, as evidenced by his plea of guilty and his sentencing to a term of five (5) years on the firearm charge and one to five years on the stolen vehicle charge in the Circuit Court of Kanawha County, West Virginia, on July 16, 2018; all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously

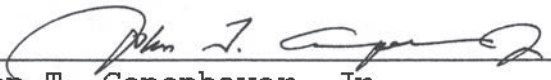
imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TWELVE (12) MONTHS AND ONE (1) DAY, with no further term of supervised release imposed.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: July 2, 2020



John T. Copenhaver, Jr.
Senior United States District Judge